

REMARKS

In this amendment, claims 1-10 are amended, new claims 64-67 are added, and claims 1-31, 42-53, 56-58, 61, 63 are canceled. Claims 1-10, 32-41, 54, 55, 59, 60 and 64-67 are pending, with claims 32-41, 54, 55, 59, 60 having been withdrawn. Reconsideration of this application, as amended, is requested.

This paper is in response to the Office Action dated March 26, 2007.

Various claims have been amended merely to change "said" to "the", to provide consistency in the claims.

Erroneously, no claim 62 was present in the originally filed application. Rather, the filed claims were 1-61 and 63.

Restriction Requirement

The claims have been restricted into two groups:

- I: Claims 1-10, 32-41, 54, 55, 59, 60, drawn to a lancet; and
- II: Claims 11-31, 42-53, 56-58, 61, 63, drawn to a method of manufacturing.

The claims were further restricted into 8 species:

- A. FIGS. 1(a)-(d)
- B. FIGS. 3(a)-(d)
- C. FIGS. 4(a)-(d)
- D. FIGS. 5(a)-(d)
- E. FIGS. 6(a)-(d)
- F. FIGS. 7(a)-(d)
- G. FIGS. 8(a)-(d)
- H. FIGS. 9(a)-(d)

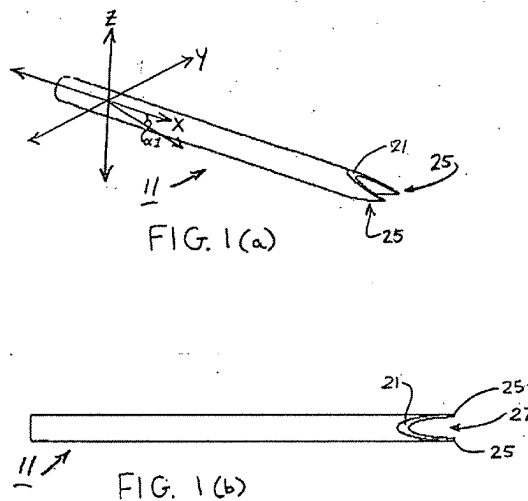
A provisional election was made to prosecute the invention of Group I, Species A. Applicant confirms this election. Claims that read on this Group and Species are claims 1-10 and new claims 64-67. Of these, claims 1, 3 and 64 are independent claims.

Claims 11-31, 42-53, 56-58, 61, 63, of Group II, have been canceled. Applicant reserves the right to prosecute these claims, without prejudice, in a divisional application.

Claims 32-41, 54, 55, 59, 60 are indicated as withdrawn, for being directed to an unelected species. Upon allowance of a generic claim, these claims are entitled to consideration. Applicant notes that claims 1, 3, and/or 64 are generic to various withdrawn claims, for example, to claims 32, 54, and 59.

Brief Summary of claims 1-10 and 64-67

The pending claims are those that are directed to cover the embodiment FIGS. 1(a)-(d). FIGS. 1(a) and (b) are provided below.



The claimed lancet has a unitary member (seamless per claims 1 and 2), that is at least partially hollow (claims 3-10 and 64-67). Such member could also be described as tubular. At one end (the right end in these figures), two sharpened tips are present, tips 25. As can be readily seen, both of these tips are present on the same unitary member. The presence of two ground surfaces that form the tips is included in claims 3-10. In claim 66, the tips 25 are claimed as being separated by the ground surfaces.

The Examiner is invited to contact the undersigned representative if there are any questions or for a further discussion of the lancet structure.

102 Rejection

Claims 1 and 2 were rejected under 35 U.S.C. 102(b) as anticipated by Lum et al., U.S. publication 2001/0027328. Applicant disagrees.

Claim 1 requires the lancet have various features, including a seamless unitary member, where the first end of the unitary member has first and second sharpened tips. The Office Action points to assembly 20 of Lum et al. as being a seamless unitary member and that needles 22 are sharpened tips of the seamless unitary member. This is incorrect. As can readily be seen in FIG. 2 and in FIG. 3, if needles 22 are taken as part of the unitary member, then the unitary member is not seamless. Paragraph [0028] explains that the assembly 20 has a central cylinder 21, which carries the needles 22. Further, assembly 20 is not a unitary member, as explained further paragraph [0028] of Lum et al., where it states that "assembly 20 has a flexible, resilient base lip 23 which is constructed from a material ... " and that is "connected to and supported by the central cylinder 21." This shows that assembly 20 is not unitary, but is made of several parts. At least for this reason, claim 1 is not anticipated by Lum et al.

As for claim 2, this claim requires that the seamless unitary member is in the form of a cylindrical tube. The same arguments apply to claim 2 as to claim 1. The Office Action indicates that assembly 20 of Lum et al. is a seamless unitary member. However, as explained above, assembly 20 is not seamless, is not unitary, and is not a cylindrical tube. Assembly 20 is composed of a central cylinder 21, a base lip 23, and needles 22, and is not a unitary member. At least for this reason, claim 2 is not anticipated by Lum et al.

If there is any misunderstanding, the Examiner is invited to review FIGS. 1(a) and (b) of the pending application for a better understanding of the subject lancet being claimed in claims 1 and 2.

Withdrawal of this rejection is requested.

103 Rejections

Claims 3-10 were rejected under 35 U.S.C. 103(a) as unpatentable over Lum et al. in view of Freeman et al., U.S. publication 2003/0083686. Applicant disagrees.

Claim 3 requires a lancet having a unitary member which is hollowed along at least a portion of its length. The fact that Lum et al. does not teach a unitary hollow member has been discussed above. Further, Lum et al. does not have first and second ground surfaces on the unitary member which at least partially define first and second sharpened tips. The Office Action acknowledges this deficiency.

The Office Action attempts to turn to Freeman et al. for first and second ground surfaces which at least partially define first and second sharpened tips. The Office Action points to facets 112 in FIG. 14. However, this lancet of FIG. 14, and also the one of FIG. 15, does not have first and second sharpened tips. As can be readily seen in these figures, the lancet has only one tip.

Even if one were to take the two facets 112 and apply them to each of the needles 22 of Lum et al., the result would not be first and second ground surfaces which at least partially define first and second sharpened tips of a unitary member.

At least for these reasons, claims 3-10 are not obvious over Lum et al., Freedman et al., nor their combination. Withdrawal of this rejection is requested.

New Claims 64-67

New claims 64-67 are presented and which are also directed to the embodiment illustrated in FIGS. 1(a)-(d). These claims are also patentable over Lum et al., Freeman et al. and any combination thereof, at least for the same reasons claims 1-10 are patentable. Claim 64 (the independent claim) recites a lancet having a hollow unitary member having an outer wall, a first end, a second end and a length therebetween, and at the first end, the outer wall defining a first tip and a second tip. Lum et al. does not have, at least, the first tip and the second tip defined by the same outer wall (rather, Lum et al. has individual needles with tips). Nor does Freeman et al. have first and second tips defined by the same outer wall (rather, Freeman et al. has a single tip on a non-hollow member). At least for these reasons, claims 64-67 are patentable over Lum et al., Freeman et al. and any combination thereof.


Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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